

IN THE MATTER OF  
STEPHEN L. BARRETT DPM

98-057

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BEFORE THE TEXAS STATE  
BOARD OF PODIATRIC  
MEDICAL EXAMINERS

SITTING IN AUSTIN

LICENSE NO. 0924

TRAVIS COUNTY, TEXAS

### AGREED BOARD ORDER

BE IT REMEMBERED that on 08/21/98, came on to be considered the allegations against Stephen Barrett D.P.M. By letter dated April 27, 1998, the Texas State Board of Podiatric Medical Examiners "Board" gave preliminary notice to Dr. Barrett of its intent to investigate complaints, concerns, or reports filed against him. Dr. Barrett was duly notified of the allegations against him. Dr. Barrett has cooperated with the Board.

This order is executed under the authority of the Podiatric Medical Practice Act of Texas, article 4573d, which allows contested cases to be resolved informally. Dr. Barrett agrees to waive his rights to a formal hearing on this matter upon the signing of this order.

Dr. Barrett agrees to the following order and agrees to the findings of fact, the conclusion of law and the order set out herein:

#### FINDING OF FACT

1. Dr. Barrett is licensed as a podiatric physician in the State of Texas by the Texas State Board of Podiatric Medical Examiners (License Number 0924) to practice podiatric medicine in the State of Texas and is therefore subject to the jurisdiction of the Texas State Board of Podiatric Medical Examiners and the Podiatric Medical Practice Act of Texas and associated rules of the Board.
2. A complaint was filed against Dr. Barrett and he was provided with an opportunity to respond to the complaint and to show compliance with the law.
3. Dr. Barrett, as a podiatrist licensed in the State of Texas, must comply with the provisions of the Texas Podiatric Medical Practice Act of Texas, the applicable rules and Board Orders.
4. After discussion of the matters outlined in this Order, and subsequent communications between Dr. Barrett and Board Staff, the Board and Dr. Barrett, in order to avoid the expense, delay and uncertainty of a hearing, have agreed to the entry of an Agreed Order, dispensing with the need for further action in this matter. By his signature on the Order, Dr. Barrett does hereby waive his right to a formal hearing before the State Office of Administrative Hearings, and judicial review of the Order.
5. Dr. Barrett, was negligent when he performed a surgery in his office and failed to take a culture.

#### CONCLUSIONS OF LAW

1. Dr. Barrett is required to follow the provisions of the Podiatric Medical Practice Act, Tex. Civ. Stat. Ann., Art. 4567, et seq., and associated rules of the Board.
2. Art. 4573 (b) and Ch. 376, 22 Tex. Admin. Code provide for the disciplining of a licensee who violates this Board's statute and/or rules.

3. Dr. Barrett's negligence is a violation of the Texas Podiatry Practice Act, Tex. Civ. Rev. Stat. Ann., Art. 4570 (d) (5) and (16) and Section 375.2 (b) of Title 22 of the Texas Administrative Code.

ORDER

THEREFORE, PREMISES CONSIDERED, The Board orders and Dr. Barrett agrees to the following:

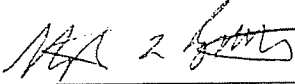
1. Dr. Barrett shall complete 15 CME hours on diabetic care by September 1999.
2. Failure to complete this agreement within this time will result in a \$2,000.00 (two thousand dollar) fine.

These CME hours are not to be included in the regular amount of CME that Dr. Barrett otherwise is required to complete.

*This order does not prohibit the Texas State board of Podiatric Medical Examiner from exercising its regulatory functions.*

I, Stephen Barrett D.P.M., have read and understand the foregoing Agreed Order. I understand that by signing, I waive certain rights to a formal hearing before the State Office of Administrative Hearings and judicial review of this order. I signed it voluntarily.

I understand this agreed order contains the entire agreement between the parties and there is no other agreement of any kind, verbal, written, or otherwise. **THIS ORDER IS A PUBLIC RECORD.**

  
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Stephen Barrett D.P.M.

7/15/98  
Date

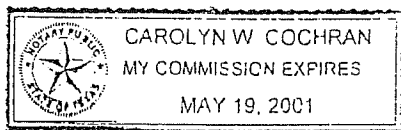
STATE OF TEXAS

COUNTY OF Montgomery

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BEFORE ME, on this day personally appeared Stephen Barrett D.P.M. known to be who first being duly sworn, signed the foregoing Agreed Order in my presence.

SIGNED on this the 15<sup>th</sup> day of July, 1998.



Carolyn W. Cochran  
Printed Name of Notary Public

Carolyn W. Cochran  
Notary Public, in and for the State  
of Texas

SIGNED AND ENTERED by the Presiding Officer of the Texas State Board of Podiatric Medical Examiners on this the 21<sup>st</sup> day of AUGUST, 1998.

W. Preston Gororth  
W. Preston Gororth, D.P.M.,  
President, Texas State Board of  
Podiatric Medical Examiners